

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

**FEDERAL TRADE COMMISSION,
STATE OF ILLINOIS, and
STATE OF MINNESOTA,**

Plaintiffs,

v.

Case No. 1:25-cv-02391

**GTCR, LLC,
GTCR BC HOLDINGS, LLC, and
SURMODICS, INC.,**

Defendants.

District Judge Jeffrey I. Cummings

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO
CORRECT THE RECORD PURSUANT TO FRCP 7(b)**

NOW COME, Defendants GTCR, LLC, GTCR BC HOLDINGS, LLC, and SURMODICS, INC. (“Defendants”), pursuant to Federal Rule of Civil Procedure 7(b), and hereby respectfully move the Court for leave to correct the record submitted in support of Defendants’ Opposition to Plaintiffs’ Motion for Preliminary Injunction. In support of this Motion, Defendants state as follows:

1. On August 3, 2025, Defendants filed an Opposition to Plaintiffs’ Motion for Preliminary Injunction. Dkt. 202. The Opposition attached the Declaration of Marguerite Sullivan in Support of Defendants’ Opposition to Plaintiffs’ Motion for Preliminary Injunction (“Declaration”). Dkt. 204.

2. Certain exhibit numbering in the Declaration was incorrect and the production number for one exhibit was not provided due to an inadvertent clerical error.

3. Defendants respectfully move for leave of the Court to submit the Corrected Declaration of Marguerite Sullivan in Support of Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction ("Corrected Declaration") and correct the record as follows:

- a. Paragraph 7 of the Declaration is corrected to identify the production number for Exhibit 5 as FTC-PROD-000005881.
- b. Paragraph 32 of the Declaration is corrected to identify Exhibit 30.
- c. Paragraph 33 of the Declaration is corrected to identify Exhibit 31.
- d. Paragraph 34 of the Declaration is corrected to identify Exhibit 32.
- e. Paragraph 35 of the Declaration is corrected to identify Exhibit 33.
- f. Paragraph 36 of the Declaration is corrected to identify Exhibit 34.

4. Defendants have not changed the substance of any of their submissions and seek only to add the missing production number for Exhibit 5 and correct the exhibit numbers referenced in the Declaration for the five paragraphs above. Defendants do not seek to make any changes to Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction or the exhibits submitted with the Declaration.

5. Defendants' counsel conferred with counsel for Plaintiffs, and Plaintiffs agreed that they do not oppose this Motion.

WHEREFORE, Defendants respectfully request that this Court enter an order granting their Motion to Correct the Record and allow Defendants to file the Corrected Declaration as a replacement for Dkt. 204.

Date: August 12, 2025

Respectfully submitted,

/s/ Sean M. Berkowitz

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